IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

MARY R. HOEFT,

Case No. 6:16-cv-01928-CL **ORDER**

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting Commissioner of Social Security,

Defendant.

AIKEN, District Judge:

Magistrate Judge Clarke filed his Findings and Recommendation ("F&R") (doc. 19) on 12/15/2017. The matter is now before me. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. No objections have been timely filed. Although this relieves me of my obligation to perform a de novo review, I retain the obligation to "make an informed, final decision." Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983), overruled on other grounds, United States v. Reyna-Tapia, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. Ray v. Astrue, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory

Committee, I review the F&R for "clear error on the face of the record[.]" Fed. R. Civ. P. 72 advisory committee's note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Vonn, 535 U.S. 55, 64 n.6 (2002) (stating that, "[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of' a federal rule). Having reviewed the file of this case, I find no clear error.

Accordingly, I adopt Judge Clarke's F&R (doc. 19) in its entirety. Plaintiff's action is dismissed, with prejudice.

Dated this 18 day of January 2018.

Ann Aiken

United States District Judge